

PTO/SB/26 (10-00)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

212/536

In re Application of: Jai K. Baek

Application No.: 10/695,300

Filed: October 27, 2003

For: Shoe with Inflatable Bladder and Secure Deflation Valve

The owner*, DC Shoes, Inc, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,409,486. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



Signature

12/17/04

Date

Marc J. Frechette

Typed or printed name

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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DEC 17 2004

212/536

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of:

Jai K. Baek

Serial No.: 10/695,300

Filed: October 27, 2003

For: Shoe with Inflatable
Bladder and Secure Deflation
Valve

Art Unit: 4185

Examiner: Freay, Charles Grant

PAYMENT OF ADDITIONAL FEES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


The amendments in the attached Response to Office Action add ___ additional claims in excess of those previously paid for. An additional claim fee of \$___ is due (37 CFR 1.16(b)). A terminal disclaimer is also submitted.

A terminal disclaimer fee of \$55 is due (37 CFR 1.17(d)).

☐ The Commissioner is hereby authorized to charge payment of the fees associated with this communication, per the attached credit card payment form.

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Date: December 17, 2004 By:


Marc J. Frechette, Esq.
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